



PATENT
Docket No.: 19603/2986 (CRF D-1940B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Qiu et al.) Examiner: A.R. Kubelik
Serial No. : 09/766,348)
Cnfrm. No. : 7683) Art Unit:
Filed : January 19, 2001) 1638
For : HYPERSENSITIVE RESPONSE INDUCED)
RESISTANCE IN PLANTS BY SEED)
TREATMENT)

**NOTICE OF APPEAL
AND
REQUEST FOR EXTENSION OF TIME FOR THE THIRD MONTH**

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Primary Examiner's decisions dated October 29, 2004 and April 20, 2005, finally rejecting claims 41, 49-51, 53, 58-61, 69-71, 73, 75-77, 80, 82, and 84.

Enclosed is a check to cover the \$500.00 cost of the appeal.

Applicants hereby request an additional extension of time of one month from the previously extended due date of January 29, 2005. A two-month extension of time fee (\$450.00) was submitted with the Amendment Under 37 CFR § 1.116 filed on March 29, 2005. The fee for a three month extension of time is \$1,020.00. Accordingly, a check is enclosed to cover the \$570.00 extension of time fee for the third month (three-month extension of time fee minus amount paid for the two-month extension of time).

Please charge any additional fees which may be required or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this form is attached.

05/03/2005 MAHMED1 00000013 09766348

01 FC:1401

500.00 OP

Dated: April 29, 2005

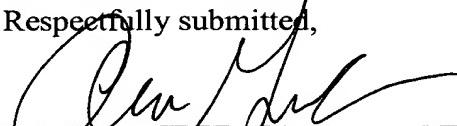
05/03/2005 MAHMED1 00000013 09766348

02 FC:1253

570.00 OP

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1658
Facsimile: (585) 263-1600

R847097.1

Respectfully submitted,

Andrew K. Gonsalves
Registration No. 48,145

Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
Date	Jo Ann Whalen
April 29, 2005 Jo Ann Whalen	